IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 10174 of 2005

Between:

Chipulla Pentaiah, S/o Late Thatayya,
R/o Chukkavanipalem, Bheemunipatnam, Visakhapatnam.

..... PETITIONER

AND

1 The District Collector, Visakhapatnam.
2 The Revenue Divisional Officer, Visakhapatnam.
3 The Mandal Revenue Officer, Bheemunipatnam, Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in attempting to dispossess him from his land and thereby trying to demolish his house without issuing any notice or giving him an opportunity of being heard as illegal, arbitrary, unjust and violative of fundamental rights guaranteed under Constitution of India and also violative of principles of natural justice and to consequently direct the respondents not to interfere with his peaceful possession and enjoyment of the land to an extent of Ac. 0.40 cents in Sy.No. 9 of Gangadapalem, (Govupet), Kapuluppada Mandalam, Bheemunipatnam Mandal, Visakhapatnam District with the following boundaries: East: Dry land of Vasupalli Sathenna, and Family; South: Part of Village, West: Well Canal and Pathway; North: Cement Road without following due process of law.

Counsel for the Petitioner:MR.RAVI CHEEMALAPATI

Counsel for the Respondents.: GP FOR REVENUE

The Court made the following :

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ORDER:

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Writ Petitioner seeks a writ of mandamus to declare the action of the respondents in attempting to dispossess him from his land to an extent of Ac.0-40 cents in Sy.No. 9 of Gangadapalem, (Govupet), Kapuluppada Mandalam, Bheemunipatnam Mandal, Visakhapatnam District and thereby trying to demolish the said house without giving opportunity to the petitioner is illegal and arbitrary.

2. The petitioner earlier filed W.P.No.4128 of 2005 in respect of Survey No. 5 and the said writ petition came to be disposed of directing the respondents not to interfere with his house situated in Survey No. 5 of Gangadapalem, Govupet of Kapuluppada Mandal, Bheemunipatnam, Visakhapatnam District without following due process of law.

3. The petitioner has filed this writ petition alleging that his house is situated in Survey No.9 not in survey No.5.

4. The learned counsel for the petitioner submits that the petitioner obtained rectification sale deed rectifying the survey No. from 5 to 9 and it necessitated him to file a fresh writ petition.

5. Heard the learned Government Pleader for Revenue and perused the record.

6. In view of the direction given in earlier writ petition, there cannot be any impediment in issuing same direction in this writ petition also.

7. Accordingly, the writ petition is disposed of making it clear that the respondents shall not interfere with the house of the petitioner, situated in Survey No.9 of Gangadapalem, Govupet of Kapuluppada Mandal, Bheemunipatnam, Visakhapatnam District. However, it shall not preclude the respondents to take necessary action with regard to encroachment of Government land, if any, and it is also open to the respondents to proceed with the action already initiated against the petitioner, in respect of land bearing S.No. 9.

8. With the above direction, the writ petition is disposed of. No order as to costs.

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B.Seshasayana Reddy,J

9th June, 2005.

Note:

C.C. in two days.

B/o

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Visakhapatnam.
2 The Revenue Divisional Officer, Visakhapatnam.
3 The Mandal Revenue Officer, Bheemunipatnam, Visakhapatnam.

4. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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9TH JUNE, 2005